

APR 14 2003



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

MEMORANDUM FOR: James P. Burgess, III
Acting Director, Office of Strategic Planning

FROM: *William T. Hogarth*
William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries

SUBJECT: Final Supplement to the Damage Assessment and Restoration
Plan/Environmental Assessment for the Tampa Bay Oil Spill

The Tampa Bay Oil Spill Trustee Council has completed a Final Supplement to the Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA) to restore natural resources injured by the August 10, 1993 vessel collision and oil spill in Tampa Bay, Florida. The Final Supplement DARP/EA provides for additional action alternatives to restore beach sand to address the beach sand injury identified in section 4.9 of the Final DARP/EA, pp. 77-81, using natural resource damages, which the Trustee Council recovered for that loss. The National Oceanic and Atmospheric Administration (NOAA) is the lead trustee, with the Florida Department of Environmental Protection and the U.S. Department of the Interior (U.S. Fish and Wildlife Service) as cooperating trustees. NOAA is the lead Federal agency for National Environmental Policy Act (NEPA) compliance for this project.

This supplement was necessary because beach nourishment project opportunities consistent with the original plan (beach sand replacement using offshore dredged sand) already have adequate funding. Consequently a substitute restoration alternative was needed. This supplement presents two project proposals as alternatives to the original restoration: restoration of dune vegetation on Treasure Island (\$53K), and construction of two dune walkovers at Fort De Soto Park (\$144K).

For the dune vegetation project, dunes will be shaped with heavy machinery, planted with native dune vegetation (sea oats), and watered for a brief period of time to establish the dune vegetation. A small amount of beach sand will be purchased and added to the site for initial dune shaping. Once the sea oats become established they will promote natural dune development and dune function to restore more sand over time. The dunes will also provide erosion protection. This dune vegetation project will restore sand at a relatively low cost to a beach where sand loss from the spill was notable.

For the dune walkover project, two walkovers will be built at critical areas where dunes and vegetation have been damaged by pedestrian traffic. Pedestrian traffic on dunes damages vegetation and contributes to dune erosion. By constructing these walkovers and diverting pedestrian traffic, eleven sand paths will be eliminated while maintaining public access to the beach.



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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



This supplement amends Section 4.9.6 of the DARP/EA Vol. 1. A draft of this document was available for public review and comment for 30 days starting July 1, 2002. Three comments were received. All comments were considered by the Trustees before finalizing this supplement and the expanded list of projects.

The projects will be constructed in full compliance with all permits and conditions required by the state and federal regulatory agencies. The proposed activities were evaluated under the goals and objectives and other evaluation criteria specified by the Tampa Bay Oil Spill Damage Assessment and Restoration Plan and with the evaluation factors under the National Environmental Policy Act.

Based on review of all these factors and the referenced documents, NOAA and the cooperating trustees have concluded that the proposed activities would not have a significant effect on the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared. A determination of a Finding of No Significant Impact (FONSI) is recommended. The purpose of this memo is to request your concurrence in the determination of a Finding of No Significant Impact. Please return this signed memorandum for the Administrative Record.

Attachments

I concur: James P. Buzen, III 7/21/03
Date

I do not concur: _____
Date



TO ALL INTERESTED GOVERNMENT AGENCIES AND PUBLIC GROUPS:

Under the National Environmental Policy Act, a Supplement to the Final Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA) has been performed on the following action:

TITLE: Tampa Bay Oil Spill

LOCATION: Tampa Bay, Tampa, Florida

SUMMARY: The Natural Resource Trustee Council responsible for the Tampa Bay Oil Spill has completed a Supplement to the Final Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA) to restore natural resources injured by the spill. This supplement was necessary because beach nourishment project opportunities consistent with the original plan (beach sand replacement using offshore dredged sand) already have adequate funding. Consequently a substitute restoration alternative was needed. This supplement presents two project proposals as alternatives to the original restoration: restoration of dune vegetation on Treasure Island (\$53K), and construction of two dune walkovers at Fort De Soto Park (\$144K). The Trustees will seek to implement restoration through funds resulting from settlement with responsible parties.

The National Oceanic and Atmospheric Administration (NOAA) is the lead trustee, with the Florida Department of Environmental Protection and the U.S. Department of the Interior (U.S. Fish and Wildlife Service) as cooperating trustees.

This supplement amends Section 4.9.6 of the DARP/EA Vol. 1. A draft of this document was available for public review and comment for 30 days starting July 1, 2002. All comments were considered by the Trustees before finalizing this supplement and the expanded list of projects. The projects will be constructed in compliance with all permits required by the state and federal regulatory agencies.

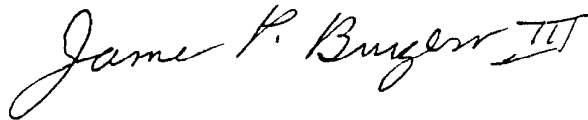
NOAA is the lead federal agency for National Environmental Policy Act (NEPA) compliance for this project. The environmental review process has led NOAA to conclude that these restoration actions will not have a significant effect on the human environment. Consequently, NOAA issued a Finding of No Significant Impact (FONSI), which was approved. Therefore, an Environmental Impact Statement will not be prepared. A copy of the FONSI including the supporting DARP/EA is available upon request to the Responsible Official indicated below.



RESPONSIBLE OFFICIAL:

William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910
301/713-2239

Sincerely,

A handwritten signature in cursive script that reads "James P. Burgess, III". The signature is written in dark ink and is positioned above the printed name.

James P. Burgess, III
NEPA Coordinator

Enclosure

APR 11 2003



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: F – William T. Hogarth, Ph.D.

FROM:

F/HC – Rolland A. Schmitten

SUBJECT:

Final Supplement to the Damage Assessment and Restoration
Plan/Environmental Assessment for the Tampa Bay Oil Spill

The Tampa Bay Oil Spill Trustee Council has completed a Final Supplement to the Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA) to restore natural resources injured by the August 10, 1993 vessel collision and oil spill in Tampa Bay, Florida. The Final Supplement DARP/EA provides for additional action alternatives to restore beach sand to address the beach sand injury identified in section 4.9 of the Final DARP/EA, pp. 77-81, using natural resource damages, which the Trustee Council recovered for that loss. The National Oceanic and Atmospheric Administration (NOAA) is the lead trustee, with the Florida Department of Environmental Protection and the U.S. Department of the Interior (U.S. Fish and Wildlife Service) as cooperating trustees.

This supplement was necessary because beach nourishment project opportunities consistent with the original plan (beach sand replacement using offshore dredged sand) already have adequate funding. Consequently a substitute restoration alternative was needed. This supplement presents two project proposals as alternatives to the original restoration: the restoration of dune vegetation on Treasure Island (\$53K), and construction of two dune walkovers at Fort De Soto Park (\$144K).

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This supplement amends Section 4.9.6 of the DARP/EA Vol. 1. A draft of this document was available for public review and comment for 30 days starting July 1, 2002. Three comments were received. All comments were considered by the Trustees before finalizing this supplement and the expanded list of projects.

The projects will be constructed in full compliance with all permits and conditions required by the state and federal regulatory agencies. The proposed activities were evaluated under the goals and objectives and other evaluation criteria specified by the Tampa Bay Oil Spill Damage Assessment and Restoration Plan and with the evaluation factors under the National Environmental Policy Act.

Based on a review of all these factors and the referenced documents, NOAA and the other trustees concluded that the proposed activities would not have a significant effect on the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared. A determination of a Finding of No Significant Impact (FONSI) is recommended.

In accordance with NOAA Administrative Order 216-6, the DARP/EA and FONSI are attached for your environmental review and transmittal for concurrence by NOAA's Office of Policy and Strategic Planning.

RECOMMENDATION

We request that you sign the attached memorandum for transmittal to the Office of Policy and Strategic Planning.

Attachments

nest there. The direct, long-term ecological impacts of both projects are beneficial in that each promotes formation of natural dunes.

Shaping of dunes, planting sea oats, and constructing dune walkovers may displace or eliminate small areas of beach surface used for recreation. These areas will be very small in comparison to the total beach area available for recreation at both Treasure Island and Fort De Soto Park. In addition, planting native dune vegetation will contribute to the natural landscape, providing a different benefit that will serve to offset the loss of a small recreational area.

Neither of these projects is expected to require substantial long-term maintenance.

Short-term impacts include noise and exhaust from use of heavy equipment used for hauling in sand and shaping the dunes at Treasure Island. Construction work at Fort De Soto Park may have also involve use of machinery with similar results. Work at both sites will be done during the day only, and will be scheduled to avoid turtle nesting season. Also, at both locations construction may temporarily redirect pedestrian traffic to the beach, but will not restrict it. Work on these projects may result in minimal and short duration disturbance, if any, to both humans and wildlife in the project area.

2. *Likely effects of the project on public health and safety:*

One foreseeable effect on human health and safety is that dune walkovers make it easier for emergency personnel to get to the beaches. Dune walkovers also direct pedestrians away from roads and traffic, which would improve safety for both pedestrians and drivers. Dune shaping and planting at Treasure Island would have no foreseeable effect on public health and safety.

3. *Unique characteristics of the geographic area in which the projects are to be implemented:*

The areas in which these projects will take place present no unique characteristics that make them distinct from the many other local beaches.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial:*

Both projects have been available for public review and generated only minor response. Neither is likely to be highly controversial.

5. *Degree to which possible effects of implementing the project are highly uncertain or involve unknown risks:*

Both types of projects have been done elsewhere so no great uncertainties or risks are expected.

6. *Precedential effect of the project on future actions that may significantly affect the human environment:*

Since both types of projects have already been done elsewhere, there is no precedential effect.

7. *Possible significance of cumulative impacts from implementing this and other similar projects:*

Both projects are quite small in scale and effects are very localized, so cumulative impacts are not significant.

8. *Effects of the project on National Historic Places, or likely impacts to significant cultural, scientific, or historic resources:*

Both projects are being coordinated with the State Historic Preservation Officer and with federal and state agencies responsible for natural resources to ensure that there are no likely impacts to significant cultural, scientific, or historic resources.

9. *Degree to which the project may adversely affect endangered or threatened species or their critical habitat:*

Both projects are being coordinated with federal and state agencies responsible for natural resources to ensure that there are no likely impacts to endangered or threatened species or their critical habitat.

10. *Likely violations of environmental protection laws:*

Both projects have been planned to be in compliance with all applicable environmental protection laws, and no violations are likely or expected. In addition, both projects will be implemented in compliance with all permits required by the state and federal regulatory agencies.

In each project, the effects were judged to be beneficial though not significant as defined by NEPA.

Both projects will be implemented in compliance with all permits required by the state and federal regulatory agencies.

DETERMINATION:

Based upon an environmental review and evaluation of the Final Supplement to the Damage Assessment and Restoration Plan/Environmental Assessment (DARP/EA) to restore natural resources injured by the August 10, 1993 vessel collision and oil spill in Tampa Bay, Florida, I have determined that the proposed action does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. Accordingly, an environmental impact statement is not required for these projects.

11-14-03

Date

for William T. Hogarth, Ph.D.
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration